UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,915	06/26/2001	Yoichi Kobayashi	450100-03260	3853

20999 7590 02/14/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
CAPRON, AARON J

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,915	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Aaron J. Capron	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 June 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

MARK SAGER
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Double Patenting

Claims 1-5 of this application appear to conflict with claims of Application No. 09/948,394. Applicant is required to maintain a clear line of demarcation between the applications.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pease et al. (U.S. Patent No. 5,759,102; hereafter "Pease").

Referring to claim 1, Pease discloses a video game system comprising a video game apparatus that includes video game software program readout means for reading out a video game software program from a video game program recording medium, having recorded thereon the video game software program, the video game software program being made up of a main portion of the video game software program, peripheral contents data and a peripheral driver; a non-volatile memory for storing the peripheral driver along with the information on game progress; peripheral driver updating means for updating the peripheral driver stored in the non-volatile memory by the new peripheral driver contained in the game software program read out by the video game software program readout means; and peripheral controlling means for

reading out the peripheral driver stored in the non-volatile memory to a work memory and for converting the contents data read out from the video game program recording medium by the video game software program readout means; and a peripheral device (Figure 1 and 2:30-3:7), but does not disclose that a peripheral device is a printer However, it is notoriously well known in the art of computer systems that a printer can be added onto a computer system in order to print hardcopies of documents for personal or business records. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the printer as a peripheral device into Pease's invention in order to to print hardcopy documents for records.

Claims 2-4 correspond in scope to a video game apparatus and method set forth for use of the video game system listed in claims listed above and are encompassed by use as set forth in the rejection above.

Referring to claim 5, as shown above, Pease discloses a video game system, but does not disclose the video game system comprising the printer driver is made up of a common engine module for performing a process which is not dependent on the printer type, and a dedicated engine module, inherent in each type of printers, for performing the process which is dependent on the printer type. However, it is notoriously well known in the computer software arts for a company to have reusable code elements, such as a class or function, that define the basic features of the device that the software pertains to and to have a separate engine module that define special marketable features to distinguish a product from another which allows the company to market these special features to the needs of the consumers. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

incorporate a common engine module into Invencion's invention in order to allow for software code to be reusable and therefore, save time and money for the company.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fawcett et al (U.S. Patent No. 5,678,002) discloses updating a printer driver on a computer system (15:34-41).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

MARK SAGER
PRIMARY EXAMINER

ajc
February 6, 2003